UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:95-cr-00031-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
CEDRIC LAMONT DEAN,)	
)	
Defendant(s).)	

THIS MATTER is before the court on defendant's Motion for Reconsideration of the court's Order resolving his Amendment 782 motion and the government's Response (#408).

Close review of defendant's motion reveals that while defendant styles his motion as one for reconsideration, he is instead contesting how the Bureau of Prisons is implementing the court's sentence as amended. As a result of amendments to Sentencing Guidelines § 2D1.1 and in accordance with 18 U.S.C. 3582(c)(2), defendant's sentence for his drug-trafficking offenses was reduced to 232 months in prison, with the most recent reduction effective September 16, 2015. In the Order implementing the reduction, the court noted that defendant's new aggregate sentence was reduced to 292 months in prison.

In his motion to reconsider, defendant requests that this court order the Bureau of Prisons to give him credit for two years and 82 days of custody that he asserts is not being accounted for in the Bureau of Prisons' current calculation of his sentence and his expected release date. Thus, defendant's motion is a challenge not to this court's Order – which correctly reflects his aggregate sentence as provided by 18 U.S.C. § 3584(c) – but a challenge to the execution of a sentence by the Bureau of Prisons. That challenge is properly raised in a petition filed in the

district of custody under 28 U.S.C. § 2241. Fontanez v. O'Brien, 807 F.3d 84, 87 (4th Cir. 2015).

As defendant is not housed in this district, this court does not have authority under § 3582(c)(2) to direct the Bureau of Prisons to alter its calculation of defendant's time in custody. This claim is properly redressed in a § 2241 petition filed in the district of confinement.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Reconsideration of the court's Order resolving his Amendment 782 motion (#406) is DENIED without prejudice as to filing a § 2241 petition in the district of confinement.

Signed: May 20, 2016

Max O. Cogburn J.

United States District Judge

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